

REMARKS

35 U.S.C. §102(e) rejections over Chang

The Examiner rejected claims 1 and 15 under 35 U.S.C. §102(e) as being anticipated by the design patent to Chang. The Chang patent indicates that Chang was filed on June 2, 2003. According to the §1.131 declaration and accompanying Exhibits submitted with this response, the inventor of the present application conceived of the claimed invention not later than February 17, 2003, and pursued the invention with reasonable diligence through filing of an application covering his invention on October 14, 2003. As such, Chang cannot qualify as prior art under §102(e) and any rejections based on Chang fail as a matter of law. Therefore, claims 1 and 15, and all of their respective dependent claims are patentable over Chang.

35 U.S.C. §103(a) rejections over Miramontes in view of Hemmi

The Examiner rejected claims 1 and 15 under 35 U.S.C. §103(a) as being unpatentable over Miramontes in view of Hemmi. Both claims 1 and 15 are directed to an electronics device having a main body and a flip connected to the main body. The flip has first and second user input interfaces disposed on opposing sides of the flip. The flip is rotatable about a first axis of rotation between open and closed positions, and rotatable about a second axis of rotation generally perpendicular to the first axis of rotation. One or the other of the opposing sides of the flip faces outward when the flip is in the closed position.

Miramontes discloses a telephone having a fold out keyboard. In a closed position, a first interface having numbers faces outward. In an open position, a full "QWERTY" keyboard is exposed. The Examiner admits that the fold out keyboard of Miramontes is not rotatable about the requisite second axis. Therefore, the Examiner cites Hemmi for its disclosure of a rotary structure that rotatably connects two housings of a cellular device about two axes.

However, Miramontes teaches away from the proposed combination. Specifically, Miramontes discloses that the position of the QWERTY keyboard (i.e., open or closed) determines the operating mode of the device. *Miramontes*, Figure 3; p. 4, ¶[0026] . When open, the device operates to allow the user to browse the Internet or send short messages. When closed, the device operates to allow the user to make voice calls. Modifying the keyboard to rotate about the second axis as taught by Hemmi would render the Miramontes device inoperable for its intended purpose. In other words, rotating the keyboard flip about the second axis necessarily maintains the keyboard in the open position. As such, the Miramontes device would not enter the voice communications mode intended for use with the numbered interface.

Because Miramontes teaches away from the proposed combination with Hemmi, the §103 rejection of claims 1 and 15, and their dependent claims, fails as a matter of law and must be withdrawn.

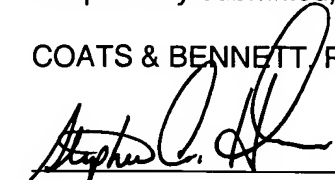
Additionally, claim 1 calls out that the electronic device includes a third input interface on the main body positioned to be at least partially covered by the flip when the flip is in the closed position. Miramontes discloses no such feature. Miramontes discloses a first user input (i.e., the numeric keypad) and a second user input (i.e., the QWERTY keyboard). There is no third user input on the main body positioned to be at least partially covered by the flip when the flip is in the closed position. The Hemmi patent also fails to disclose the requisite third user input, and the Examiner never asserts that it does. Therefore, the §103 rejection of claim 1 and its dependent claims fails for this additional reason.

In light of the above remarks, all pending claims are patentable over the cited art.

Therefore, Applicant respectfully requests allowance of all pending claims.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Stephen A. Herrera", is written over a horizontal line.

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